

# News Release



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## **MSHA Assistant Secretary Issues New Procedures for Evaluating Flagrant Violations**

**ARLINGTON, Va.** – The newly appointed assistant secretary of the U.S. Department of Labor’s Mine Safety and Health Administration (MSHA) today issued instructions to agency inspection personnel, establishing uniform procedures for evaluating flagrant violations of mandatory safety and health standards. The new procedures carry out a provision in the Mine Improvement and New Emergency Response Act (MINER Act) that was signed into law June 15, 2006.

“My first priority as the head of this agency is to focus on the basics, like thorough inspections and strong enforcement,” said Richard E. Stickler, assistant secretary of labor for mine safety and health. “Congress gave us powerful new tools to strengthen mine safety, and we are going to use them fully.”

According to the MINER Act, a civil penalty of up to \$220,000 may be assessed for a flagrant violation. A flagrant violation is defined as “a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory safety and health standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury.”

Based on the facts and the inspector’s observations, a mine inspector has the first opportunity to evaluate a violation as flagrant. The new instructions for MSHA enforcement personnel set the criteria that an inspector must consider when recommending that a flagrant violation penalty be assessed.

The Procedure Instruction Letter can be viewed at [www.msha.gov](http://www.msha.gov).

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